

Application No.: 09/871421

Case No.: 56523US002

**Remarks**

Claims 1-13 and 51 are submitted for reconsideration. Claims 14-23 and 35-50 have been withdrawn from consideration because of a restriction requirement. Claim 51 is allowed. Claims 24-34 have been canceled, without prejudice. Claims 1-9, 11 and 13, are rejected. Claims 10 and 12 were objected to.

Claims 1 and 5, respectively, have been amended to incorporate language as set forth on page 7, lines 21-28. Paragraph b of claim 1 now reads as follows:

contacting a master with a preformed surface bearing a pattern capable of imparting a three-dimensional microstructure of precisely shaped and located functional discontinuities including distal surface portions and adjacent depressed surface portions into the exposed surface of the layer of radiation curable composition on said metal foil backing under sufficient contact pressure to impart said pattern into said layer wherein said precisely shaped and located functional discontinuities refers to shapes, capable of forming cooperative mechanical arrangements with other complementarily shaped objects, that are made by predeterminably replicating substantially inverse configurations borne on a master which has been endowed with original, non-random, precise functional shapes which are precisely located relative to each other and excludes shapes that are merely decorative or randomly textured to provide a frictional surface;

The description of the backing has also been amended in claims 1 and 5, respectively, to indicate that the backing is "comprised of a thin continuous sheet of metal." The basis for this language may be found on page 8, line 4.

Reconsideration of the rejection and allowance of the claims, as amended, is respectfully requested.

Rejection of claims 5, 6, 11, 13, 27, 28, 32 and 34 (now claims 5, 6, 11 and 13) under 35 USC § 102(b) as anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over Kerr, et al. (WO 90/15673) is inappropriate in view of the present amendment.

The office action notes that Kerr, et al. teach a method of making a composite article comprising: depositing a radiation-curable composition onto the surface of a backing; contacting a master with a preformed surface under sufficient pressure to impart the pattern to the layer of

Application No.: 09/871421

Case No.: 56523US002

composition; exposing the layer to sufficient radiation to cure it; and separating the cured polymer layer and the backing from the master. The office action further notes that on page 5, line 33, Kerr, et al. teach that the backing may be a metallic sheet. While Kerr, et al. disclose a backing which may be a metallic sheet, the coating on the backing is not impressed with a master which imparts precisely shaped and located functional discontinuities which, after formation, are capable of forming cooperative mechanical arrangements with complementary shaped objects as presently defined in the claims. The purpose of Kerr, et al.'s impressor belt is to emboss an uncured film with "a wide variety of surface textures" (page 4, line 27). These include "leather and fabric textures, matte surfaces, smooth glossy surfaces," and the like (page 4, lines 29-31). Kerr, et al. indicate that the term "texture" coated surfaces ranging from glossy to "highly formed," (the text bridging pages 4 and 5) but no mention is made that the highly formed surface would be capable of providing the function now defined in the present claims. The office action points out that textured coatings of Kerr, et al. are not "merely decorative," but function also to protect. It is submitted that it is not the texture portion that protects, but it is the embossed plastic layer of the coating material that provides the protection. Further, protection by itself would not provide the functions now defined in the claims.

Rejection of claim 7 under 35 USC § 103(a) as being unpatentable over Kerr, et al. is unwarranted in view of the present amendment.

The rejection of claims 1-4, 9, 24-26, and 30 under 35 USC § 103(a) as being unpatentable over Delaney, et al. (US 6,358,442 B1) in view of Schädlich, et al. (US 3,897,247) and Wood (US 4,566,827) is unwarranted in view of the present amendment. The office action indicates that Delaney, et al. teach a method of making a composite article comprising: depositing a radiation-curable composition onto the surface of a backing; contacting a master with a preformed surface under sufficient pressure to impart the pattern to the layer of composition; exposing the layer to sufficient radiation (i.e., UV or EB) to cure it; and separating the cured polymer layer and the backing from the master. The office action goes on to say that although Delaney, et al. do not explicitly state that the exposure is through the backing, it is clearly illustrated as such in Figs. 1B and 2A. It is submitted that this rejection is inappropriate in view of the present amendment since the present amendment now requires that the imparted pattern provides precisely shaped and located functional discontinuities which refers to shapes that are made by predominantly replicating

Application No.: 09/871421

Case No.: 56523US002

substantially inverse configurations borne on a master which has been endowed with original, non-random, precise functional shapes which are precisely located relative to each and that these shapes are capable of forming cooperative mechanical arrangements with other complementary shaped objects. Further that the definition in claims 1 and 5 now excludes shapes that are merely decorative or randomly textured to provide a frictional surface.

As previously mentioned, the present invention is not involved with making holographic articles as described by Delaney, et al. The functional discontinuities defined in the claims provide shapes that are interactive with complementary parts.

The rejection of claims 5-8, 11 and 13, under 35 USC § 103(a) as being unpatentable over Delaney, et al. ('442) in view of Schädlich, et al. ('247), Wood ('827) and Kerfeld (US 4,374,077) is unwarranted in view of the present amendment and it should be withdrawn.

The discussion of the other rejections based on references cited in the first office action was argued in the April 24, 2003 response to the first office action which response is incorporated herein by reference.

The present amendment makes it clear that the imparted shapes are capable of forming cooperative mechanical arrangements with other complementary shaped objects. The rejection based upon the combination of references with Delaney, et al. is, thus, unwarranted and it should be withdrawn.

It is submitted that the claims are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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